

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Patrick Thompson Examiner: Mohammad A. Siddiqi  
Serial No.: 10/646,632 Group Art Unit: 2154  
Filed: 08/21/03 Docket No.: 14917.0552US01  
Customer No.: 27488 Confirmation No.: 9779  
Title: Systems and Methods for the Implementation of a Core Schema for Providing a Top-Level Structure for Organizing Units of Information Manageable by a Hardware/Software Interface System

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**RESUBMITTED PETITION TO EXPUNGE PURSUANT  
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 (“Previous Petition”) was previously submitted with the documents listed on Exhibit A hereto (“Materials”), which were filed in sealed envelope(s) pursuant to MPEP § 724.02. The Previous Petition was dismissed as being untimely in a Decision on Petition Under 37 CFR §1.59. The Decision on Petition stated:

During prosecution on the merits, the examiner will determine whether or not the information submitted on 11 December 2007 is considered to be “material.”

Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

*Decision on Petition, December 27, 2007.*

Prosecution on the above-identified application is now closed. A Notice of Allowance was mailed on October 3, 2008. Therefore, this Resubmitted Petition to Expunge is now being filed.

To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability (“Criteria”), Petitioner requests that all of the Materials,

or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, "Litigation");
2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and
5. The appropriate fee, as set forth in 37 C.F.R. § 1.17(g), should be charged for a large entity to Deposit Account No. 13-2725. *[NOTE: The fee has already been paid, and the Decision on Petition indicates that no further fee is required for filing of this Resubmitted Petition to Expunge.]*

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: January 4, 2009

/Robert A. Kalinsky/  
Name: Robert A. Kalinsky  
Reg. No.: 50,471

**Exhibit A**  
**List of Materials Submitted Under Seal Pursuant to MPEP § 724.02**

	Microsoft Corporation. <i>Innovation Report Microsoft Distributed File System Replication</i> . July 31, 2006; pp. 1-40.
	Advisor to the Monitoring Trustee. <i>Innovation Report Review Distributed File System Replication (DFS-R)</i> . December 3, 2006; pp. 1-4.
	Advisor to the Monitoring Trustee. <i>Review of Distributed File System - Replication Innovation Report</i> . January 25, 2007; pp. 1-4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (DFS-R)</i> . Annex I to the Statement of Objections in Case 37792; February 22, 2007; pp. 2-4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft's Claimed Innovative Intellectual Property in Distributed File System Replication (DFS-R1)</i> . Annex 5; February 22, 2007; Part 1, Section 2.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (DFS-R)</i> . Annex 4; February 22, 2007.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft's Claimed Innovative Intellectual Property in Distributed File System Replication (DFS-R1)</i> . March 3, 2007; Part 1, Section 2.
	Microsoft Corporation. <i>Innovations in Distributed File System Replication (DFS-R) Protocol</i> . Filed April 23, 2007; pp. 1-13.
	Microsoft Corporation. <i>Microsoft's Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Appendix A; June 11, 2007; pp. 28-29.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (DFS-R)</i> . The Commission's Assessment of Microsoft's Innovation Claims (Annex Table); July 8, 2007; pp. 7-10.

	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (DFS-R / FRS2) Microsoft's Innovation Claims for the Distributed File System Replication Protocol.</i> July 8, 2007; Section 10.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 (Updated References).</i> July 8, 2007.
	Microsoft Corporation. <i>Reply to Arguments Regarding Distributed File System Replication (DFS-R) Protocol.</i> Filed August 31, 2007; pp. 1-7.